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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ANTHONY EUGENE LEWIS,

11 Petitioner,

12 v.

13 JEFF UTTECHT,

14 Respondent.

Case No. C10-1033RSL

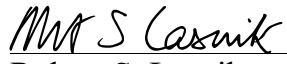
ORDER DISMISSING PETITION AND
GRANTING CERTIFICATE OF
APPEALABILITY

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16 This matter comes before the Court on the Report and Recommendation of the
17 Honorable Mary Alice Theiler, United States Magistrate Judge (Dkt. # 46) and the
18 objections thereto (Dkt. # 47). Petitioner's objections to the Report and Recommendation
19 are overruled and the petition is DISMISSED for the reasons stated in the Report. Despite
20 prior requests for information regarding this case, petitioner waited until after Judge
21 Theiler made her recommendations to argue for excusal of the procedural bar and to
22 support his bare request for judgment in his favor. Although the new information and
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1 argument do not change the outcome of this case, it suggests grounds for reasonable
2 disagreement regarding the Court's resolution of the constitutional claims.
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4 For all of the foregoing reasons, petitioner's habeas petition and this action are
5 DISMISSED with prejudice. Petitioner is GRANTED a certificate of appealability.
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7 Dated this 19th day of December, 2018.
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10 Robert S. Lasnik
United States District Judge
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